

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

JASON L. NOHR, RECEIVER FOR)
MSC HOLDINGS, USA, LLC, MSC)
HOLDINGS, INC., and MSC GA)
HOLDINGS, LLC.)

Plaintiffs,)

v.)

Corinna Jang, et al.,)

Defendants.)

CIVIL ACTION FILE NO.
1:14-CV-02761-SCJ

**DEFENDANT BARBARA BANFIC'S ANSWER AND
AFFIRMATIVE DEFENSES¹**

COME NOW Defendant Barbara Banfic, by and through her undersigned counsel, and files this, her Answer and Affirmative Defenses, and states as follows:

AFFIRMATIVE DEFENSES²

FIRST AFFIRMATIVE DEFENSE

There is a failure to state a claim upon which relief can be granted.

1. Plaintiffs granted Defendant Barbara Banfic an extension to answer until January 9, 2014.

2. In the event, through discovery, it is determined that one or more affirmative defenses are not appropriately asserted, they will be withdrawn.

SECOND AFFIRMATIVE DEFENSE

Estoppel.

THIRD AFFIRMATIVE DEFENSE

The Statute of Limitations has expired.

FOURTH AFFIRMATIVE DEFENSE

Laches.

FIFTH AFFIRMATIVE DEFENSE

Waiver.

SIXTH AFFIRMATIVE DEFENSE

Payment.

SEVENTH AFFIRMATIVE DEFENSE

Release.

EIGHTH AFFIRMATIVE DEFENSE

Unclean Hands.

NINTH AFFIRMATIVE DEFENSE

Settlement.

As to the individually numbered allegations in the complaint, Defendant responds as follows:

1. Defendant is without sufficient knowledge to either admit or deny the allegations set forth in Paragraph 1 of the Complaint.
2. Admitted.
3. Defendant is without sufficient knowledge to either admit or deny the allegations set forth in Paragraph 3 of the Complaint.
4. Defendant is without sufficient knowledge to either admit or deny the allegations set forth in Paragraph 4 of the Complaint.
5. Defendant is without sufficient knowledge to either admit or deny the allegations set forth in Paragraph 5 of the Complaint.
6. Defendant is without sufficient knowledge to either admit or deny the allegations set forth in Paragraph 6 of the Complaint.
7. Defendant is without sufficient knowledge to either admit or deny the allegations set forth in Paragraph 7 of the Complaint.
8. Defendant is without sufficient knowledge to either admit or deny the allegations set forth in Paragraph 8 of the Complaint.
9. This paragraph contains no allegation to which a response is required as it calls for a legal conclusion. To the extent any response to this paragraph is

required; Defendant denies all allegations set forth in Paragraph 9 of the Complaint, however, Defendant consents to venue by the Receivership Court.

10.This paragraph contains no allegation to which a response is required as it calls for a legal conclusion. To the extent any response to this paragraph is required; Defendant denies all allegations set forth in Paragraph 10 of the Complaint, however, Defendant consents to venue and jurisdiction by the Receivership Court.

11.Defendant is without sufficient knowledge to either admit or deny the allegations set forth in Paragraph 11 of the Complaint.

12.Defendant is without sufficient knowledge to either admit or deny the allegations set forth in Paragraph 12 of the Complaint.

13.Defendant is without sufficient knowledge to either admit or deny the allegations set forth in Paragraph 13 of the Complaint.

14.This paragraph contains no allegation to which a response is required as it calls for a legal conclusion. To the extent any response to this paragraph is required; Defendant is without sufficient knowledge to either admit or deny the allegations set forth in Paragraph 14 of the Complaint.

15.This paragraph contains no allegation to which a response is required as it calls for a legal conclusion. To the extent any response to this paragraph is required; Defendant is without sufficient knowledge to either admit or deny the allegations set forth in Paragraph 15 of the Complaint.

16.This paragraph contains no allegation to which a response is required as it calls for a legal conclusion. To the extent any response to this paragraph is required; Defendant is without sufficient knowledge to either admit or deny the allegations set forth in Paragraph 16 of the Complaint.

As to Paragraphs 17 – 59: Defendant is without sufficient knowledge to either admit or deny the allegations set forth in Paragraphs 17-59 of the Complaint. Further, these allegations are not related to Plaintiffs' claims against Defendant.

60.Defendant admits that she is a citizen of the State of Michigan and may be served at 11464 Birch Court, Washington Township, Macomb County, Michigan 48094. Defendant is without sufficient knowledge to either admit or deny any and all other allegations set forth in Paragraph 60 of the Complaint.

As to Paragraphs 61 – 75: Defendant is without sufficient knowledge to either admit or deny the allegations set forth in Paragraphs 61-75 of the Complaint. Further, these allegations are not related to Plaintiffs' claims against Defendant.

76. This paragraph contains no allegation to which a response is required as it calls for a legal conclusion. To the extent any response to this paragraph is required; Defendant denies the allegations set forth in Paragraph 76 of the Complaint.

77. Defendant incorporates her answers to the allegations set forth in Paragraphs 1-76 of the Complaint as if each answer was restated fully herein.

78. Defendant is without sufficient knowledge to either admit or deny the allegations set forth in Paragraph 78 of the Complaint.

79. Defendant is without sufficient knowledge to either admit or deny the allegations set forth in Paragraph 79 of the Complaint.

80. Defendant is without sufficient knowledge to either admit or deny the allegations set forth in Paragraph 80 of the Complaint.

81. Defendant is without sufficient knowledge to either admit or deny the allegations set forth in Paragraph 81 of the Complaint.

82. Defendant is without sufficient knowledge to either admit or deny the allegations set forth in Paragraph 82 of the Complaint.

83. Defendant is without sufficient knowledge to either admit or deny the allegations set forth in Paragraph 83 of the Complaint.

84. Defendant is without sufficient knowledge to either admit or deny the allegations set forth in Paragraph 84 of the Complaint.

85. Defendant is without sufficient knowledge to either admit or deny the allegations set forth in Paragraph 85 of the Complaint.

86. This paragraph contains no allegation to which a response is required as it calls for a legal conclusion. To the extent any response to this paragraph is required; Defendant is without sufficient knowledge to either admit or deny the allegations set forth in Paragraph 86 of the Complaint.

87. Defendant is without sufficient knowledge to either admit or deny the allegations set forth in Paragraph 87 of the Complaint.

88. Defendant is without sufficient knowledge to either admit or deny the allegations set forth in Paragraph 88 of the Complaint.

89. Defendant is without sufficient knowledge to either admit or deny the allegations set forth in Paragraph 89 of the Complaint.

90. This paragraph contains no allegation to which a response is required as it calls for a legal conclusion. To the extent any response to this paragraph is

required; Defendant is without sufficient knowledge to either admit or deny the allegations set forth in Paragraph 90 of the Complaint.

91.This paragraph contains no allegation to which a response is required as it calls for a legal conclusion. To the extent any response to this paragraph is required; Defendant is without sufficient knowledge to either admit or deny the allegations set forth in Paragraph 91 of the Complaint.

92.This paragraph contains no allegation to which a response is required as it calls for a legal conclusion. To the extent any response to this paragraph is required; Defendant is without sufficient knowledge to either admit or deny the allegations set forth in Paragraph 92 of the Complaint.

93.This paragraph contains no allegation to which a response is required as it calls for a legal conclusion. To the extent any response to this paragraph is required; Defendant deny any and all other allegations set forth in Paragraph 93 of the Complaint.

94.This paragraph contains no allegation to which a response is required as it calls for a legal conclusion. To the extent any response to this paragraph is required; Defendant deny any and all other allegations set forth in Paragraph 94 of the Complaint.

95. Defendant is without sufficient knowledge to either admit or deny the allegations set forth in Paragraph 95 of the Complaint.

96. This paragraph contains no allegation to which a response is required as it calls for a legal conclusion. To the extent any response to this paragraph is required; Defendant deny any and all other allegations set forth in Paragraph 96 of the Complaint.

97. Defendant is without sufficient knowledge to either admit or deny the allegations set forth in Paragraph 97 of the Complaint.

98. This paragraph contains no allegation to which a response is required as it calls for a legal conclusion. To the extent any response to this paragraph is required; Defendant deny any and all other allegations set forth in Paragraph 98 of the Complaint.

99. This paragraph contains no allegation to which a response is required as it calls for a legal conclusion. To the extent any response to this paragraph is required; Defendant deny any and all other allegations set forth in Paragraph 99 of the Complaint.

100. This paragraph contains no allegation to which a response is required as it calls for a legal conclusion. To the extent any response to this paragraph

is required; Defendant deny any and all other allegations set forth in Paragraph 100 of the Complaint.

101. This paragraph contains no allegation to which a response is required as it calls for a legal conclusion. To the extent any response to this paragraph is required; Defendant deny any and all other allegations set forth in Paragraph 101 of the Complaint.

102. This paragraph contains no allegation to which a response is required as it calls for a legal conclusion. To the extent any response to this paragraph is required; Defendant deny any and all other allegations set forth in Paragraph 102 of the Complaint.

103. This paragraph contains no allegation to which a response is required as it calls for a legal conclusion. To the extent any response to this paragraph is required; Defendant deny any and all other allegations set forth in Paragraph 103 of the Complaint.

104. This paragraph contains no allegation to which a response is required as it calls for a legal conclusion. To the extent any response to this paragraph is required; Defendant deny any and all other allegations set forth in Paragraph 104 of the Complaint.

105. This paragraph contains no allegation to which a response is required as it calls for a legal conclusion. To the extent any response to this paragraph is required; Defendant deny any and all other allegations set forth in Paragraph 105 of the Complaint.

106. This paragraph contains no allegation to which a response is required as it calls for a legal conclusion. To the extent any response to this paragraph is required; Defendant deny any and all other allegations set forth in Paragraph 106 of the Complaint.

107. This paragraph contains no allegation to which a response is required as it calls for a legal conclusion. To the extent any response to this paragraph is required; Defendant deny any and all other allegations set forth in Paragraph 107 of the Complaint.

108. Defendant incorporates her answers to the allegations set forth in Paragraphs 1-107 of the Complaint as if each answer was restated fully herein.

As to Paragraphs 109 – 337: Defendant is without sufficient knowledge to either admit or deny the allegations set forth in Paragraphs 109-337 of the Complaint. Further, these allegations are not related to Plaintiffs' claims against Defendant.

337. Denied.

338. Defendant is without sufficient knowledge to either admit or deny the allegations set forth in Paragraph 338 of the Complaint.

339. Denied.

340. Denied.

341. Denied.

As to Paragraphs 342– 416: Defendant is without sufficient knowledge to either admit or deny the allegations set forth in Paragraphs 342-416 of the Complaint. Further, these allegations are not related to Plaintiffs' claims against Defendant.

417. Defendant incorporates her answers to the allegations set forth in Paragraphs 1-416 of the Complaint as if each answer was restated fully herein.

418. This paragraph contains no allegation to which a response is required as it calls for a legal conclusion. To the extent any response to this paragraph is required; Defendant deny any and all other allegations set forth in Paragraph 418 of the Complaint.

419. This paragraph contains no allegation to which a response is required as it calls for a legal conclusion. To the extent any response to this paragraph

is required; Defendant deny any and all other allegations set forth in Paragraph 419 of the Complaint.

420. Defendant is without sufficient knowledge to either admit or deny the allegations set forth in Paragraph 410 of the Complaint.

421. This paragraph contains no allegation to which a response is required as it calls for a legal conclusion. To the extent any response to this paragraph is required; Defendant deny any and all other allegations set forth in Paragraph 421 of the Complaint.

422. This paragraph contains no allegation to which a response is required as it calls for a legal conclusion. To the extent any response to this paragraph is required; Defendant deny any and all other allegations set forth in Paragraph 422 of the Complaint.

423. This paragraph contains no allegation to which a response is required as it calls for a legal conclusion. To the extent any response to this paragraph is required; Defendant deny any and all other allegations set forth in Paragraph 423 of the Complaint.

424. Denied.

425. Defendant incorporates her answers to the allegations set forth in Paragraphs 1-424 of the Complaint as if each answer was restated fully herein.

426. Denied.

427. Denied.

428. Denied.

429. Denied.

430. Denied.

431. Denied.

432. Denied.

433. Denied.

434. This paragraph contains no allegation to which a response is required as it calls for a legal conclusion. To the extent any response to this paragraph is required; Defendant deny any and all other allegations set forth in Paragraph 434 of the Complaint.

435. This paragraph contains no allegation to which a response is required as it calls for a legal conclusion. To the extent any response to this paragraph is required; Defendant deny any and all other allegations set forth in Paragraph 435 of the Complaint.

Defendant denies any and all allegations in the Plaintiffs Complaint stated in the unnumbered paragraph after Paragraph 435 of the Complaint which begins with “WHEREFORE, Jason....

Wherefore, Defendant demands that the Complaint be dismissed and all costs be borne by the Plaintiffs. Pursuant to Federal Rule of Civil Procedure 38, Defendants demand a jury trial.

Respectfully submitted, this 8th day of January, 2015 by,

/s/ David J. Merbaum

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing DEFENDANT'S AND ANSWER, AFFIRMATIVE DEFENSES was electronically filed using the Court's ECF system and that the below-listed counsel are ECF users and will be served via the ECF System:

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